REMARKS

I.   Summary of Office Action

Claims 1, 3, 6, 17, and 22-27 were pending in the above-identified patent application.

Claims 1, 3, 6, 17, and 22-27 were rejected under 35 U.S.C. § 103(a) as being obvious from Knudson et al. U.S. Patent No. 6,141,488 ("Knudson") in view of Cooper et al. U.S. Patent No. 6,901,209 ("Cooper") and further in view of Barton et al. U.S. Patent No. 6,490,722 ("Barton").

II.   Summary of Applicants' Reply

Applicants have added new claim 28 to more particularly define the claimed invention. The new claim is fully supported by the application as originally filed and therefore add no new matter. See, e.g., applicants' original specification at paragraph 0047 and FIG. 2.

The Examiner's rejection is respectfully traversed.

III.   Applicants' Reply

Claims 1, 3, 6, 17, and 22-27 were rejected under 35 U.S.C. § 103(a) as being obvious from Knudson in view of Cooper and further in view of Barton. Applicants respectfully traverse this rejection.

Applicants' previously presented independent claims 1, 3, 6, 17, 24 and 25 are directed to methods and systems for transferring a broadcast signal to a storage device. Multiple broadcast signals from corresponding multiple channels are received substantially simultaneously. Instructions to transfer two or more timeslots on one or more channels to a storage device are received. A conflict is determined when the

11

instructions require at least portions of the first and second timeslots to be transferred to the storage device at the same time. The conflict is resolved automatically by assigning a priority to a first timeslot that is higher than a priority assigned to another timeslot when the first timeslot is determined to include a user extended trail portion (claims 1, 6, 24, 25) or assigning a higher priority to the second timeslot when the second timeslot does not have an automatically extended lead or trail portion (claims 3, 17).

The Examiner acknowledges that Knudson fails to disclose receiving instructions to transfer two or more timeslots on one or more channels to the storage device, wherein each of the timeslots corresponds to a program broadcast on a respective channel, and wherein first and second of the timeslots each includes at least a core portion, the first one of the timeslots including a user extended lead portion preceding the core portion of the first timeslot or a user extended trail portion following the core portion of the first timeslot, wherein each of the timeslot portions is processed as a separate entity; determining whether the instructions require at least portions of the first and second timeslots to be transferred to the storage device at the same time and thereby cause a conflict between the first and the second timeslots; resolving the conflict automatically when the user does not choose one of the solutions by assigning priorities to each of the timeslots, wherein the priorities indicate an order in which the timeslots are transferred to the storage device when a conflict is detected, wherein priorities are assigned automatically by: determining whether the first one of the timeslots has the user extended lead or trail

portion; assigning a priority to the first timeslot that is higher than a priority assigned to the second timeslot when the first timeslot is determined to include the user extended trail portion; and otherwise, assigning a priority to the second timeslot that is higher than the priority assigned to the first timeslot when the first timeslot includes the user extended lead portion. (Office Action, pages 3-4.) The Examiner relies on Cooper and Barton to make up for the deficiencies of Knudson.

Barton refers to a system that helps users select programs for recording and resolve conflicts caused when a viewer selects a program for recording, and the recording window conflicts with other scheduled recordings, or when there isn't sufficient recording space on the storage device. (Column 19, lines 8-13.) In one embodiment, application software may build a priority order of programs based on an analysis of previously watched programs. (Column 16, lines 6-16 and column 17, lines 29-44.) When conflicts arise between programs to be recorded, users are given the option of shortening the expiration dates on conflicting programs. (Column 19, lines 66-67 to column 20, lines 1-5.)

Cooper relates to a system which allows a user to select and view one or multiple programs, and to suspend viewing in the middle of a program to accommodate an interruption and to continue viewing after the interruption without missing any of the program. (Abstract.)

The Examiner contends that Cooper discloses "determining whether the instructions require at least portions of the first and second timeslots to be transferred to the storage device at the same time and thereby cause a conflict

13

between the first and second time slots (Column 10 Lines 27+ further describes the transferring of the data and the overwriting of the data based on priority)." (Office Action, page 5.) Applicants respectfully disagree. Cooper relates to resolving conflicts related to insufficient memory and does not resolve conflicts caused by instructions requiring first and second timeslots to be transferred to the storage device at the same time, as required by applicants' independent claims. For example, Cooper discloses that the "STORAGE TIME 1 PRIORITY is a numerical priority which is used to determine what programs are overwritten in the event of insufficient memory. . . . Thus if it is desired to store two or more programs at the same time, and memory is only available for one, the higher priority (lower number) program is stored." (Column 11, lines 6-12.)

Furthermore, the Examiner asserts that Cooper discloses "resolving conflicts automatically, . . . by assigning priorities . . . . (Column [10] Lines 27+ describes the system automatically resolving conflict based on priority as set by the user)" (Office Action, page 5.) Applicants' independent claims require "resolving the conflict automatically . . . by assigning priorities . . . " As admitted by the Examiner, in the system taught by Cooper, priorities are "set by the user" and not automatically assigned. Therefore, Cooper does not teach or suggest "resolving the conflict automatically . . . by assigning priorities . . . ", as required by applicants' independent claims.

The Examiner relies on Barton to make up for the deficiencies of Knudson and Cooper, and asserts that Barton discloses "determining whether the first one of the timeslots

14

has user extended lead or trail portions." (Office Action, page 6.) Applicants respectfully disagree. While the cited portion of Barton discloses that "[v]iewer preferences may be obtained in a number of ways," Barton does not teach or suggest determining whether the first one of the timeslots has the user extended lead or trail portion, as required by applicants' independent claims. For example, Barton merely discloses that the "viewer may request that certain programs be captured, which results in the highest possible priority for those programs" and that "preferences may be inferred from viewing patterns: programs watched, commercial advertisements viewed or skipped, etc." (Column, 17, lines 29-37.)

Furthermore, the Examiner asserts that Barton discloses "resolving of a conflict based on user extended time slots . . . ." (Office Action, page 6.) However, the cited portions of Barton merely disclose that, in the event of a conflict, the user is presented with the option of shortening expiration times, or canceling a previously scheduled recording in favor of a desired program. (Column 19, line 66 to column 20, line 13.) Applicants submit that Barton does not teach or suggest automatically assigning priorities based on a determination that a timeslot includes or does not include an extended lead or trail portion.

Therefore, applicants respectfully submit that Knudson, Cooper and Barton, whether taken alone or in combination, do not show or suggest automatically assigning a priority to a first timeslot that is higher than a priority assigned to a second timeslot when the first timeslot is determined to include a user extended trail portion, as defined by applicants' independent claims 1, 6, 24, 25, or

automatically assigning a higher priority to the second timeslot when the second timeslot does not have an automatically extended lead or trail portion, as required by applicants' independent claims 3 and 17.

Accordingly, claims 1, 3, 6, 17, and 24 and 25 are allowable over the prior art of record. Claims 22, 23, 26 and 27 depend directly from allowable claim 1 or 17, and therefore are also allowable.

IV.   New Claim

Claim 28 has been added in order to more particularly define the claimed invention. Claim 28 depends from allowable claim 1 and therefore is also allowable.

V.   Conclusion

The foregoing demonstrates that claims 1, 3, 6, 17, and 22-28 are allowable. This application is therefore in condition for allowance. Reconsideration and prompt allowance of this application are accordingly respectfully requested.

Respectfully submitted,

/Nirav S. Amin/

_____
Nirav S. Amin
Registration No. 60,884
Agent for Applicants
Customer No. 75563
ROPES & GRAY LLP
1211 Avenue of the Americas
New York, NY 10036
(212) 596-9000